

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of September 30, 2005. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-21 were pending in the present application prior to the above amendment. In response to the Office Action, claims 5, 15 and 17 have been amended. Therefore, claims 1-21 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the Applicants acknowledge with appreciation, the Examiner's indication of allowable subject matter in claims 5, 6, and 15 if rewritten in independent form. In response, dependent claims 5 and 15 have been amended to be in independent form to include the limitations of the corresponding base claims, and any intervening claims. Therefore, the allowance of these claims are respectfully requested, claim 6 being dependent on claim 5.

The Applicants also acknowledge with appreciation, the Examiner and Supervisory Patent Examiner Morano granting a personal interview with the undersigned legal representative on February 23, 2006. As discussed and agreed to during the interview, the Examiner's rejection of at least claims 1-4, 7-14, 16 and 17 under 35 U.S.C. 102(b) is clearly improper because the cited U.S. Patent No. 3,857,183 to Plasser et al. does not disclose each and every element recited in these claims. Correspondingly, the withdrawal of this rejection relative to these claims, and the allowance thereof, is respectfully requested.

In addition, as suggested by SPE Morano during the interview, independent claim 17 has been amended above to specifically recite that the measurement device is secured above a track surface of a railroad track in a cantilevered manner, and to recite maintaining the position of the measurement device secured in a cantilevered manner at a substantially fixed height distance. Correspondingly, the allowance of claims 17 to 21 are also respectfully requested.

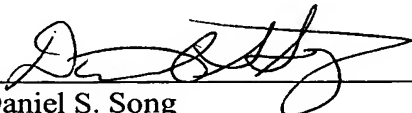
Moreover, it is further noted that the cited references of record also fail to disclose or otherwise render obvious, the limitations of various dependent claims that also stand

rejected. For example, the cited references of record fail to disclose a cradle member including a semi-circular axle bearing housing portion as recited in claim 3, a swing arm that is connected to a truck frame as recited in claim 8, or a swing arm in which the length is adjustable as recited in claims 9 and 10.

To the extent that the Examiner updates his search and new references are applied to the various claims in any subsequent rejection, it is respectfully requested that the Examiner particularly identify how such cited references disclose each of the limitations of any rejected claims, including the limitations of any rejected dependent claims, so that an appropriate response can be made.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,


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